

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-13, 16-19, 25-29, 31-43, 47-51, 54-56, and 58 are pending in the present application. Claims 14, 15, 20-24, 30, 44-46, and 57 have been previously canceled and Claims 52 and 53 are presently canceled without prejudice or disclaimer to speed prosecution in this application. Claim 54 has been amended to be rewritten in independent form without introducing any new matter. Claims 1-6, 9-13, 17-19, 25-29, 31-37, 39, 40, 42, 43, 47-51, 55, and 58 have been amended to correct formal matters noted by Applicants as well as the formal matters raised in the outstanding Action, all without the introduction of any new matter.

The outstanding Official Action presented an objection to the drawings, a rejection of Claims 52 and 58 under the first paragraph of 35 U.S.C. § 112, and a rejection of Claims 25, 27, 29, 36, 37, 48, 49, 51,¹ 52, 53, 54, and 58 under the second paragraph of 35 U.S.C. § 112.

As an initial matter, Applicants acknowledge with appreciation the allowance of Claims 1-13, 16-19, 26, 28, 31-35, 38-43, 47, 50, 55, and 56 at page 6² of the outstanding Action. Applicants also acknowledge with appreciation the indication at page 6 of the outstanding Action that Claims 25, 27, 29, 36, 37, 48, 49, 52, 53, 54, and 58³ would be considered to be allowable if amended to overcome the above-noted rejections under 35 U.S.C. § 112.

¹ Claim 51 is listed on the "Office Action Summary" as rejected and the Examiner indicated that this claim should be considered to be rejected on the same grounds as Claim 49 from which it depends during an interview held on September 7, 2006, that is discussed in detail, below.

² During the interview held on September 7, 2006, the Examiner further acknowledged that the page 6 listing of allowed claims was the correct one, not the one of item 5 on the "Office Action Summary" that omitted Claim 32. Also, the listing of Claim 32 as being rejected in item 6 on the "Office Action Summary" was further acknowledged to be an error.

³ As acknowledged at the personal interview on September 7, 2006, the repeated indication of Claim 48 was a typographical error and Claim 58 was the intended Claim number.

Applicants also acknowledge with appreciation the interview granted to Applicants' representative on September 7, 2006. As noted relative to footnotes 1-3, several inconsistent claim listings were clarified. The matter of the objections to the drawings was also clarified.

In this last regard, the Examiner acknowledged that the Preliminary Amendment indicating the cancellation of original Figures 7 and 8 and the substitution of new Figures 7 and 8 filed on December 12, 2001, was received along with the Request for Approval of New Drawing included therewith. However, the Examiner indicated that the PTO did not have the copies of new Figures 7 and 8 and suggested that these new Figures should be included with the copies of the papers evidencing the filing thereof on December 12, 2001, as attachments to this Amendment. Accordingly, Applicants have attached these papers to this Amendment and it is believed that the objection to Figure 8 as lacking the contents of database 10 set forth at the bottom of page 2 of the outstanding Action should now be withdrawn.

In addition to the objection to Figure 8, the objection to the drawings as not showing the "determiner" and "supplier" recited by Claim 58 was discussed as was the rejection of Claim 58 based upon the first paragraph of 35 U.S.C. § 112 and the lack of a description of the Claim 58 "determiner" and "supplier." In this regard, Applicants representative pointed out that the previous recital in Claim 58 of the "determiner" and "supplier" had been eliminated and replaced by the recital of a processor that is operable to perform the functions previously recited as performed by the "determiner" and "supplier." In addition, it was noted that this processor appears in at least Figures 4 and 6, for example. The Examiner acknowledged that the amendment to Claim 58 rendered both this objection and rejection moot because this claim now recites "a processor" instead of the previously recited "determiner" and "supplier."

In addition to the above-noted amendment to Claim 58 rendering the objection to the drawings and the rejection of Claim 58 under the first paragraph of 35 U.S.C. § 112 based

upon a lack of a description of the claimed “determiner” and “supplier” moot, it was also noted that the cancellation of Claims 52 and 53 rendered the rejection of these claims under the second paragraph of 35 U.S.C. § 112 moot.

With further regard to the rejection of Claims 25, 27, 29, 36, 37, 48, 49, 51,⁴ 54, and 58 under the second paragraph of 35 U.S.C. § 112, Applicant’s representative pointed out that the lack of proper antecedent basis problems noted as to Claim 25, 27, and 29 (Claim 29 based upon dependency on Claim 27) was no longer present due to the present Amendments to these Claims. In addition, these claims and Claims 26 and 28 were noted to be amended to remove the inconsistent alternation between user and subscriber. In accordance with the Examiner’s suggestion that the language appearing in the drawings be used, these claims and Claims 32, 48, and 50 have been amended to remove any mention of “user” and to replace this term with the term “subscriber” to be consistent with the drawings.

Accordingly, withdrawal of the rejection of Claims 25, 27, and 29 under the second paragraph of 35 U.S.C. § 112 is respectfully requested.

With regard to the language found to be indefinite in Claim 36, Applicant’s representative noted that the amendment to this claim to now recite that the “changing information is stored in the database as changing price data” is clear.

Accordingly, Applicant’s representative noted that the rejection of Claim 36 under the second paragraph of 35 U.S.C. § 112 was believed to be overcome and should also be withdrawn.

Turning to the rejection of Claim 48 under the second paragraph of 35 U.S.C. § 112, the argument noted at the interview has been reconsidered in light of the remarks in the paragraph bridging pages 6 and 7 of the outstanding Action. Thus, and in light of these remarks and for the sake of consistency as between the preamble and the storage in the body

⁴ See footnote 1.

of this claim, Claim 48 is now amended to recite "storing changing data" instead of storing "unchanging" data as suggested in the outstanding Action. As the suggestion in the outstanding Action has been adopted, it is believed that this rejection of Claim 48 (that was also the basis for rejecting Claims 49 and 51 based on dependency) has been overcome.

Accordingly, withdrawal of the rejection of Claims 48, 49, and 51 under the second paragraph of 35 U.S.C. § 112 is also respectfully requested.

With regard to Claim 54, Applicant's representative pointed out that this claim has been rewritten in independent form to include all the limitations from base Claim 1 and intermediate canceled Claim 53 in response to the suggestion that such rewriting would remove the rejection of this claim under the second paragraph of 35 U.S.C. § 112 as noted at the top of page 6 of the outstanding Action.

Accordingly, withdrawal of the rejection of Claim 54 under the second paragraph of 35 U.S.C. § 112 is also respectfully requested.

With further regard to the amendments made to Claims 1-6, 9-13, 17-19, 25-29, 31-37, 39, 40, 42, 43, 47-51, 54, 55, and 58, Applicants' representative noted that these further amendments were a result of a careful review of all the pending claims and were intended to avoid potential problems as to proper antecedent basis and other formal concerns. For example, Claim 1 clearly need to recite "subscribers" as Claim 6 that depended on Claim 1 recited "each subscriber" and Claim 17 that depended on Claim 1 recited "subscribers." Also, Claim 2 was modified in this regard to be consistent with Claim 1.

As noted at the September 7, 2006 interview, the Examiner is requested to contact Applicants' representative if any further changes are deemed necessary as to either claim language, specification descriptions, and/or showings in the drawings so that mutually agreeable changes can be determined to speed prosecution of this application that has been pending since 1999.

In addition to the above matters, the Examiner inquired as to a search report including an apparently relevant document that was made relative to a corresponding UK application (GB 0013023.7, published UK Application GB 2 358 768 A). Accordingly, Applicants include an Information Disclosure Statement herewith that includes the complete Search and Examination report based upon a lack of novelty of Claims 14 and 15 of the corresponding Application (GB 0013023.7, published UK Application GB 2 358 768 A) over GB 2334648A of "ERICSSON." It is noted that this document is not considered relevant as Claims 14 and 15 were canceled here. Also, it is noted that the correct citation is GB 2334648A (ERICSSON) and not GB 234648 A (ERRICSSON) as listed with the published application because GB 234648 A is not "(ERICSSON)" and is not relevant.

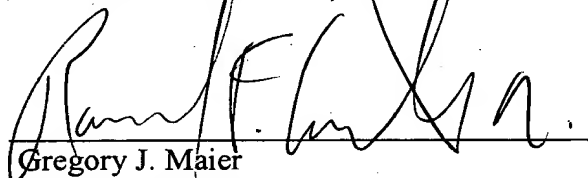
In addition to this Search and Examination report issued in the corresponding Application (GB 0013023.7, published UK Application GB 2358768 A) citing GB 2334648 A (ERICSSON), a recently provided English translation of DE 199 38 576 A (that was cited on the Form 1449 submitted with the IDS filed on December 12, 2001 and cited in the International Search report filed with this IDS) is included. As this latest version of DE 199 38 576 A includes an English translation, it is listed along with GB 2334648 A on the Form 1449 submitted with this latest IDS. Also included is a copy of an Office Action from the European Office that repeats the citation of US 5,404,488; WO 97/ 41654; WO 99/ 65265; EP 0 820 183; WO 99/ 33293; DE 199 38 576; JP 58 195917; and US 5,872,921 from the International Search Report that was submitted with the IDS and corresponding Form-1449 listing these references on December 12, 2001. The Examiner acknowledged receipt of this December 12, 2001, IDS and corresponding Form-1449 listing these references and indicated that a copy thereof showing consideration of these listed references would be provided to Applicants. Applicants also request a copy of this latest filed Form-1449 that properly indicates consideration of the latest listed references also be supplied to Applicants.

As noted above and at the September 7, 2006 interview, the Examiner is requested to contact Applicants' representative if any further changes are deemed necessary as to either claim language, specification descriptions, and/or showings in the drawings so that mutually agreeable changes can be determined to speed prosecution of this application that has been pending since 1999.

As no other issues are believed to remain outstanding relative to this application, it is believed to be clear that this application is in condition for formal allowance and an early and favorable action to this effect is, therefore, respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'Gregory J. Maier', is written over a horizontal line.

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(OSMMN 06/04)

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OSMM&N File No. 215530 PCT By MJS/dd Due Date 12-13-01

Serial No. New U.S. PCT Application based on PCT/RO00/00008

In the matter of the Application of Horea BACILA et al.

For APPARATUS AND A METHOD FOR SUPPLYING INFORMATION

COPY

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☐ pgs. Specification ☐ Claims (English Translation) ☐ pgs. Sequence Listing
- ☒ Combined Declaration, Petition & Power of Attorney (3 pages)
- ☐ Petition to Revive Under 37 C.F.R. 1.137 (b)
- ☐ Notice of Priority;
- ☒ Check for \$ 2,006.00; ☒ Dep. Acct. Order Form
- ☐ Assignment pages/PTO-1595
- ☐ Drawings sheets
- ☒ PCT Transmittal Letter
- ☒ Preliminary Amendment
- ☐ PCT/IB/304 ☐ PCT/IB/308
- ☐ Letter Regarding Claim to Small Entity Status
- ☐ International Preliminary Examination Report
- ☒ Information Disclosure Statement; ☒ PTO-1449
- ☐ Cite References () ☐ Statement of Relevancy
- ☐ List of Related Cases ☐ Cited Pending Applications(#)
- ☒ International Search Report
- ☐ Request for Consideration of Documents Cited in International Search Report
- ☐ Letter Regarding Translation of Annexes
- ☐ Translation of Annexes to International Preliminary Examination Report
- Amended Sheets ()

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28 Rec'd PCT/PTO 12 DEC 2001

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COPY

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

HOREA BACILA ET AL

: ATTN: APPLICATION DIVISION

SERIAL NO: NEW U.S. PCT APPLN :
(Based on PCT/RO00/00008)

FILED: HEREWITH :

FOR: APPARATUS AND A METHOD :
FOR SUPPLYING INFORMATION

PRELIMINARY AMENDMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Prior to a first examination on the merits, please amend the above-identified
application as follows:

IN THE DRAWINGS

Please cancel original Figures 7 and 8 and substitute the following new Figures 7 and
8 from the attached Request for Approval of New Drawing.

IN THE CLAIMS

Please amend the claims as follows:

6. (Amended) Apparatus according to claim 1, wherein the subscriber profile store is adapted to associate a particular set of data with each subscriber interested in receiving changing information for that set of data.

7. (Amended) Apparatus according to claim 1, wherein the subscriber profile store is adapted to associate sets of data with different character strings.

10. (Amended) Apparatus according to claim 1, wherein the subscriber profile store is arranged to associate a subscriber with said group of sets of data only while communication is established with the subscriber using the communication means.

11. (Amended) Apparatus according to claim 1, wherein the communication means is arranged to determine whether a subscriber is able to receive information and to store said information in a data structure if the subscriber is unable to receive information.

13. (Amended) Apparatus according to claim 11, wherein the communication means is arranged to send the client new information rather than information previously stored in the data structure so that the subscriber receives the most recent information.

16. (Amended) Apparatus according to claim 1, wherein the different sets of data comprise different contracts on any one or more of the following types of financial exchanges: commodity (future and/or option), index, stock, foreign exchange.

17. (Amended) Apparatus according to claim 1 also adapted to communicate changing news data to subscribers.

18. (Amended) Apparatus according to claim 1, wherein the first and second receiving means are arranged to receive changing information from at least one information provider.

19. (Amended) Apparatus according to claim 1, further comprising satellite communication means for communicating with an information provider for receiving changing information for supply to the first and second receiving means.

22. (Amended) Apparatus according to claim 20, further comprising means for storing subscriber profile data for future use.

23. (Amended) Apparatus according to claim 20, further comprising means for informing the information supplying apparatus when the receiving means is ready to receive information.

24. (Amended) Apparatus according to claim 20, further comprising storing means for storing received information.

25. (Amended) Apparatus according to claim 20, wherein the storing means is arranged to store received information while the advising means is advising a user of previously received information.

26. (Amended) Apparatus according to claim 20, further comprising data storing means configured to store unchanging data for each of the different sets of data available from the information supplying apparatus.

27. (Amended) Apparatus according to claim 20, wherein the data storing means is configured to store data identifying each different set of information and data identifying the different fields of changing information for each different set of information.

28. (Amended) Apparatus according to claim 20, wherein the different sets of data comprise contracts on one or more financial exchanges.

30. (Amended) Apparatus according to claim 20, wherein the subscriber apparatus comprises a portable computer having mobile telecommunications facilities.

31. (Amended) Apparatus according to claim 1, wherein a group can consist of one or more sets of data.

32. (Amended) A system comprising apparatus in accordance with claim 1 and at least one subscriber apparatus.

38. (Amended) A method according to claim 33, wherein existing changing information in the database is replaced as new changing information is received.

39. (Amended) A method according to claim 33, wherein the subscriber profile storing step comprises associating a subscriber with codes relating to the or each set of data in which the subscriber is interested.

40. (Amended) A method according to claim 33, wherein the subscriber profile storing step comprises associating different character strings with sets of data and associating a subscriber with a character string relating to a set of data in which the subscriber is interested.

42. (Amended) A method according to claim 33, which also comprises communicating changing news data to subscribers.

43. (Amended) A method according to claim 33, wherein changing information is received by satellite communication from at least one information provider.

46. (Amended) A method according to claim 44, further comprising storing subscriber profile data for future use.

47. (Amended) A method according to claim 44, further comprising storing received information received while a user is still being advised of previously received information.

48. (Amended) A method according to claim 44, further comprising storing unchanging data for each of the different sets of data available from the information supplying apparatus in data storing means of the computer.

50. (Amended) A method according to claim 44, wherein the different sets of data comprise contracts on one or more financial exchanges.

52. (Amended) A signal carrying processor implementable instructions for programming a processor of apparatus having mobile telecommunications facilities to become configured as apparatus in accordance with a method in accordance with claim 33.

53. (Amended) A computer program product comprising processor implementable instructions for programming a processor of apparatus having mobile telecommunications facilities to become configured as apparatus in accordance with claim 1.

IN THE ABSTRACT OF THE DISCLOSURE

Please amend the abstract as follows:

An apparatus is provided with a first receiver for receiving changing information relating to a plurality of different sets of data such as financial data and a second receiver for receiving the changing information in synchronism with the first receiver. A data base is provided to store information received by the first receiver and a subscriber profile store stores information associating a subscriber with a group of the different sets of data. The apparatus is arranged to supply, via the mobile telecommunications network, information from the data base for the group of data sets associated in the subscriber profile store with a subscriber when communication with that subscriber is first established and thereafter to

supply changing information relating to the group of data sets associated with that subscriber directly to the subscriber from the second receiver.

REMARKS

Favorable consideration of this application, in view of the following comments and as presently amended, is respectfully requested.

The present preliminary amendment is submitted to place the above-identified application in more proper format under United States practice.

First, by the present preliminary amendment, a new and more proper Figure 8 is submitted herewith as a new page of Figures 7 and 8 is submitted, Figure 7 being unchanged. Support for new Figure 8 is believed to be clear from the original description at page 17, line 21, to page 21, line 13, as one example. Thus, the submission of new Figure 8 is deemed to be proper and is not deemed to raise any issues of new matter.

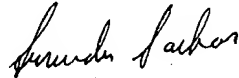
The claims have been amended by the present response to no longer recite any improper multiple dependencies.

The Abstract has been amended by the present response to delete reference numerals and legal phraseology.

The present application is believed to be in condition for a full and thorough examination on the merits. An early and favorable consideration of the present application is hereby respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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Serial No: _____
Amendment Filed on: _____

IN THE DRAWINGS

Please cancel original Figure 8 and substitute a new Figure 8 from the attached Request for Approval of New Drawing.

IN THE CLAIMS

Please amend the claims as follows:

--6. (Amended) Apparatus according to [any one of the preceding claims] claim 1, wherein the subscriber profile store is adapted to associate a particular set of data with each subscriber interested in receiving changing information for that set of data.

7. (Amended) Apparatus according to [any one of claims 1 to 6] claim 1, wherein the subscriber profile store is adapted to associate sets of data with different character strings.

10. (Amended) Apparatus according to [any one of the preceding claims] claim 1, wherein the subscriber profile store is arranged to associate a subscriber with said group of sets of data only while communication is established with the subscriber using the communication means.

11. (Amended) Apparatus according to [any one of the preceding claims] claim 1, wherein the communication means is arranged to determine whether a subscriber is able to

receive information and to store said information in a data structure if the subscriber is unable to receive information.

13. (Amended) Apparatus according to claim 11 [or 12], wherein the communication means is arranged to send the client new information rather than information previously stored in the data structure so that the subscriber receives the most recent information.

16. (Amended) Apparatus according to [any one of the preceding claims] claim 1, wherein the different sets of data comprise different contracts on any one or more of the following types of financial exchanges: commodity (future and/or option), index, stock, foreign exchange.

17. (Amended) Apparatus according to [any of claims 1 to 16] claim 1 also adapted to communicate changing news data to subscribers.

18. (Amended) Apparatus according to [any one of claims 1 to 17] claim 1, wherein the first and second receiving means are arranged to receive changing information from at least one information provider.

19. (Amended) Apparatus according to [any one of claims 1 to 17] claim 1, further comprising satellite communication means for communicating with an information provider for receiving changing information for supply to the first and second receiving means.

22. (Amended) Apparatus according to claim 20 [or 21], further comprising means for storing subscriber profile data for future use.

23. (Amended) Apparatus according to claim 20, [21 or 22,] further comprising means for informing the information supplying apparatus when the receiving means is ready to receive information.

24. (Amended) Apparatus according to [any one of claims 20 to 23] claim 20, further comprising storing means for storing received information.

25. (Amended) Apparatus according to [any one of claims 20 to 24] claim 20, wherein the storing means is arranged to store received information while the advising means is advising a user of previously received information.

26. (Amended) Apparatus according to [any one of claims 20 to 25] claim 20, further comprising data storing means configured to store unchanging data for each of the different sets of data available from the information supplying apparatus.

27. (Amended) Apparatus according to [any one of claims 20 to 26] claim 20, wherein the data storing means is configured to store data identifying each different set of information and data identifying the different fields of changing information for each different set of information.

28. (Amended) Apparatus according to [any one of claims 20 to 27] claim 20, wherein the different sets of data comprise contracts on one or more financial exchanges.

30. (Amended) Apparatus according to [any one of claims 20 to 29] claim 20, wherein the subscriber apparatus comprises a portable computer having mobile telecommunications facilities.

31. (Amended) Apparatus according to [any one of the preceding claims] claim 1, wherein a group can consist of one or more sets of data.

32. (Amended) A system comprising apparatus in accordance with [any one of claims 1 to 19] claim 1 and at least one subscriber apparatus [in accordance with any one of claims 20 to 31].

38. (Amended) A method according to [any one of claims 33 to 37] claim 33, wherein existing changing information in the database is replaced as new changing information is received.

39. (Amended) A method according to [any one of claims 33 to 38] claim 33, wherein the subscriber profile storing step comprises associating a subscriber with codes relating to the or each set of data in which the subscriber is interested.

40. (Amended) A method according to [any one of claims 33 to 38] claim 33, wherein the subscriber profile storing step comprises associating different character strings with sets of data and associating a subscriber with a character string relating to a set of data in which the subscriber is interested.

42. (Amended) A method according to [any one of claims 33 to 41] claim 33, which also comprises communicating changing news data to subscribers.

43. (Amended) A method according to [any one of claims 33 to 42] claim 33, wherein changing information is received by satellite communication from at least one information provider.

46. (Amended) A method according to claim 44 [or 45], further comprising storing subscriber profile data for future use.

47. (Amended) A method according to [any one of claims 44 to 46] claim 44, further comprising storing received information received while a user is still being advised of previously received information.

48. (Amended) A method according to [any one of claims 44 to 47] claim 44, further comprising storing unchanging data for each of the different sets of data available from the information supplying apparatus in data storing means of the computer.

50. (Amended) A method according to [any one of claims 44 to 49] claim 44, wherein the different sets of data comprise contracts on one or more financial exchanges.

52. (Amended) A signal carrying processor implementable instructions for programming a processor of apparatus having mobile telecommunications facilities to become configured as apparatus in accordance with [any one of claims 1 to 31 or to carry out] a method in accordance with [any one of claims 33 to 51] claim 33.

53. (Amended) A computer program product comprising processor implementable instructions for programming a processor of apparatus having mobile telecommunications facilities to become configured as apparatus in accordance with [any one of claims 1 to 31 or to carry out a method in accordance with any one of claims 33 to 51] claim 1.--

IN THE ABSTRACT OF THE DISCLOSURE

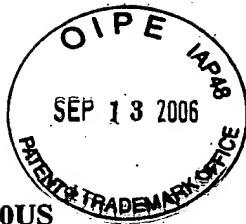
Please amend the abstract as follows:

--An apparatus is provided with a first receiver [(CSP2)] for receiving changing information relating to a plurality of different sets of data such as financial data and a second receiver [(CSP1)] for receiving [said] the changing information in synchronism with [said] the first receiver [means (CSP2)]. A data base [(10)] is provided to store information received by the first receiver [(CSP2)] and a subscriber profile store [(14)] stores information associating a subscriber with a group of [said] the different sets of data. The apparatus is arranged to supply, via the mobile telecommunications network, information from the data base [(10)] for the group of data sets associated in the subscriber profile store [(14)] with a subscriber when communication with that subscriber is first established and thereafter to

supply changing information relating to the group of data sets associated with that subscriber directly to the subscriber from the second receiver [(CSP1)].

[Figures 2 and 3]--

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

HOREA BACILA ET AL

: ATTN: APPLICATION DIVISION

SERIAL NO: NEW U.S. PCT APPLN

FILED: HERewith

FOR: APPARATUS AND A METHOD FOR
SUPPLYING INFORMATION

LETTER TO THE OFFICIAL DRAFTSMAN

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

SIR:

Attached hereto please find 1 sheet(s) of Substitute Formal Drawings. It is requested that the enclosed 1 sheet(s) of Substitute Formal Drawings be entered to replace the drawings previously filed in this application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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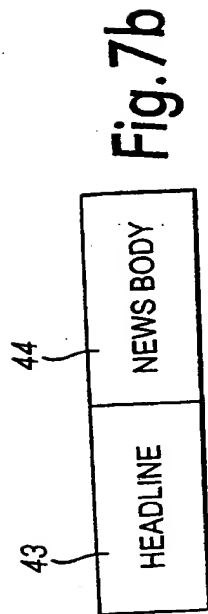


Fig. 7a

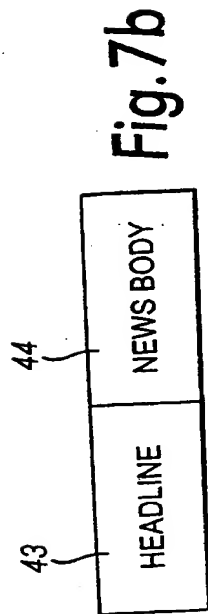


Fig. 7b

